

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5186 of 1998

Date of decision: 23-9-98

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AHMEDABAD MUNICIPAL CORPORATION

Versus

PRAKASHBHAI RAMANBHAI PARTNER OF RAY ENGINEERING WORKS

Appearance:

Mr. M. R. Raval for the appellant

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/09/98

ORAL JUDGEMENT

This appeal is directed by the Municipal Corporation of the City of Ahmedabad against the judgment and order dated 12-1-1993 of the Small Cause Court No.11, Ahmedabad, in M.V. Appeal No.2713 of 1991. Under the impugned order the Court below has partly allowed the appeal of the respondent herein, and the gross rateable value of the premises in question bearing Survey No. 9 FP/601A of Ward SP Property -N was fixed at Rs.3600/- for the year 1990-91 and 1991-92.

2. The learned counsel for the appellant is unable to point out any illegality or infirmity in the order impugned in this appeal, which calls for interference of this court. I have also gone through the grounds taken in the appeal, and having glanced at those grounds I am satisfied that these are nothing but formal, casual and mechanical grounds taken without any elaboration thereof. In fact this appeal is nothing but an attempt on the part of the Corporation to see that none of the order of the trial court, irrespective of its merits, remains unchallenged. That approach of the Corporation is not in consonance with the approach which should have been taken by an authority, agency or instrumentality of the State within the meaning of Article 12 of the Constitution of India.

3. In the result this appeal fails and the same is dismissed. This judgment of this court shall not be taken to construe that the Corporation has no power or is not competent to revise the gross rateable value of the premises for the subsequent years in accordance with law.

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